

PATENT

Attorney Docket No. GB919990026US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Henry Esmond Butterworth

Serial No: 09/338,035

Filed: June 22, 1999

For: DATA PROCESSING SYSTEMS
AND METHOD FOR PROCESSING TASKS IN
SUCH SYSTEMS

Examiner: Kenneth TANG

Art Unit: 2127

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CERTIFICATE OF SUBMISSION BY FACSIMILE

PTO FAX NUMBER: 703-872-9306

TOTAL NUMBER OF PAGES: 5

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OFFICE OF PETITIONS

Dear Sir:


I hereby certify that the following documents are being transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR §1.137 (2 pages);
2. DECLARATION IN SUPPORT OF PETITION TO REVIVE ABANDONED APPLICATION (2 pages); and
3. This CERTIFICATE OF SUBMISSION BY FACSIMILE (1 page).

If you did not receive all the pages, please telephone us at 718-544-1110, or fax us at 718-544-8588.

Respectfully submitted,

Dated: March 31, 2004


Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588

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PETITION TO REVIVE ABANDONED APPLICATION
UNDER 37 CFR §1.137Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Dear Sir:

This Petition is made to revive the above-referenced application and is in response to the DECISION ON PETITION TO ACCEPT CORRESPONDENCE AS TIMELY FILED UNDER NOTICE OF POSTAL EMERGENCY mailed on March 23, 2004.

The present application was abandoned for failure to respond to the Final Office Action dated February 14, 2003 within the statutory period ending August 14, 2003. A Request for Continued Examination, Amendment and Response to the Final Office Action, and proper fees were filed by Express Mail on August 15, 2003.

Withdraw from the holding of abandonment and revival of the application is earnestly requested in view of the petitions below. Support for the petitions is provided in the Declaration in Support of Petition to Revive Abandoned Application enclosed herewith.

Petition Under 37 CFR §1.137(a):

Petition to revive the present application is made herein pursuant to 37 CFR §1.137(a). The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

Adjustment date: 06/25/2004 AKELLEY
08/19/2003 MBIZUNES 00000061 09338035
02 FC:1253 -930.00 OP

06/25/2004 AKELLEY 00000005 09338035

01 FC:1452

110.00 OP

Rep: 06/25/2004 AKELLEY 00000005 09338035
Name/Number: 09338035
FC: 9204

Application Serial No: 09/338,035

Petition Under 37 CFR \$1.137(b):


In the event the above-petition under 37 CFR \$1.137(a) is not granted, petition to revive the present application is alternatively made herein pursuant to 37 CFR \$1.137(b). The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR \$1.137(b) was unintentional.

Since the present application was filed on or after June 8, 1995, no terminal disclaimer is required. If any additional information is required by the Commissioner to determine grantability of the above petitions, he is urged to contact the attorney below.

The Commissioner is hereby authorized to charge payment of any petition fees due to Deposit Account No. 50-0510.

Respectfully submitted,

Dated: March 31, 2004


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OFFICE OF PETITIONS

DECLARATION IN SUPPORT OF PETITION
TO REVIVE ABANDONED APPLICATIONMail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, Ido Tuchman, hereby states that:

1. My office is located at 69-60 108 Street, Suite 503, Forest Hills, NY 11375.
2. I am a patent attorney representing International Business Machines Corporation ("IBM"), the assignee of interest for the application that is identified in the heading above ("the Application").
3. A reply to a Final Office Action dated February 14, 2003 for the Application was due on August 14, 2003.
4. On August 14, 2003, I was preparing a Request for Continued Examination, Amendment and Response to Final Office Action dated February 14, 2003, and associated formal papers for the Application.
5. At approximately 4pm on August 14, 2003, my office, as well as a large portion of the North-Eastern United States, experienced a blackout.
6. Electric power was not restored to my office until approximately 9am on August 15, 2003.

7. The blackout prevented me from printing and filing by Express Mail the Request for Continued Examination, Amendment and Response to Final Office Action, and associated formal papers on August 14, 2003.


8. But for the blackout, I would have printed and filed by Express Mail the Request for Continued Examination, Amendment and Response to Final Office Action, and associated formal papers on August 14, 2003.

9. The Request for Continued Examination, Amendment and Response to Final Office Action, and associated formal papers were printed and filed by Express Mail on August 15, 2003.

10. I further declare that statements made herein of my own knowledge are true and that all statements on information are believed to be true, and further that these statements were made with the understanding that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: March 31, 2004


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